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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 Nicole Newman, Individually and
11 on Behalf of All Others Similarly
12 Situated,

13 Plaintiffs,

14 v.
15 Americredit Financial Services,
16 Inc.,

17 Defendant.

18 _____
19 Shirley Mack, Individually and on
20 Behalf of All Others Similary
21 Situated,

22 Plaintiffs,

23 v.
24 General Motors Financial Corp.,
25 Inc., f/k/a Americredit Corp.,

26 Defendant

Case No.: 3:11-cv-03041-DMS-BLM

CLASS ACTION

**JOINT STATUS REPORT RE:
CLASS SETTLEMENT AND
PRELIMINARY APPROVAL**

Judge: Hon. Dana M. Sabraw
Mag. Judge: Hon. Barbara L. Major

Case No.: 3:12-cv-3038-DMS-BLM

1 The Parties, through their respective counsel of record, jointly provide a
2 status report to the Court, as to the status of the class action settlement and the
3 filing of Plaintiff's Amended Motion for Preliminary Approval of Class Action
4 Settlement.

5 The Court granted the Parties joint request to consolidate the two actions
6 captioned above, for settlement purposes. [Dkt. No. 31]. Thereafter, Plaintiffs filed
7 a Motion for Preliminary Approval of Class Action Settlement on February 8, 2013.
8 [Dkt. No. 32]. Defendant filed its non-opposition to the motion on March 1, 2013.
9 [Dkt. No. 33]. After taking the Motion under submission, on April 15, 2013, the
10 Court denied Plaintiffs' Motion for Preliminary Approval of Class Action
11 Settlement, without prejudice, outlining certain concerns and questions for the
12 Parties to address prior to the re-filing of any motion for class settlement. [Dkt. No.
13 35].

14 Immediately after receiving the Court's order denying preliminary approval,
15 counsel for the Parties conferred on how to address the issues outlined by the Court.
16 Among other things, Defendant investigated a few issues relating to the retention of
17 data and records for placed calls. The Parties also conducted research and analysis
18 to address the Court's questions regarding the size of the class. Based on the
19 additional information obtained, and in an attempt to answer the questions raised by
20 the Court, plaintiff Newman is revising the Motion for Preliminary Approval.

21 In addition to addressing the questions outlined by the Court in its April 15,
22 2013 Order, the Parties have been working to address the fact that the proposed
23 class representative for the Mack action passed away in or about May of 2013.
24 Defendant has been engaged in settlement negotiations with Ms. Mack's estate
25 concerning an individual settlement and dismissal of the Mack action. These
26 negotiations have further complicated the finalization of any class settlement, as the
27 implications of Mack as a proposed class representative needed to be resolved prior
28 to the filing of the Amended Motion for Preliminary Approval. Recently,

1 Defendant and Ms. Mack's estate reached a proposed, individual settlement, and the
2 parties expect that a request for dismissal of the Mack action will be filed shortly.

3 Once Mack's claims are dismissed, on an individual basis, Plaintiff Nicole
4 Newman anticipates filing a renewed motion for preliminary approval of class
5 action settlement and feels confident that the revised motion will adequately
6 address the questions outlined in the Court's April 15, 2013 Order. Plaintiff expects
7 to file an Amended Motion for Preliminary Approval within the next few weeks, as
8 well as supporting documents.

9
10 Date: August 20, 2013

HYDE & SWIGART

11
12 By: /s Joshua B. Swigart
13 Joshua B. Swigart
14 Attorneys for Plaintiffs

15 [Additional Counsel for Plaintiffs]

16 Abbas Kazerounian, Esq. (SBN: 249203)
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21 Attorneys for the Plaintiffs

22 Date: August 20, 2013

GOODWIN PROCTER, LLP

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24 By: /s Chad R. Fuller
25 Chad R. Fuller
26 Attorneys for Defendant
27 Americredit Financial Services, Inc.

1 [Counsel for Defendants]

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9 Attorneys for the Defendants

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Signature Certification

10 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
11 and Procedures Manual, I hereby certify that the content of this document is
12 acceptable to Chad R. Fuller, counsel for Defendant, and that I have obtained Mr.
13 Fuller's authorization to affix his electronic signature to this document.

14 Dated: August 20, 2013

HYDE & SWIGART

15 By: /s/ Joshua B. Swigart
16 Joshua B. Swigart
17 Attorneys for the Plaintiff

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San Diego, California